

THE DAILY BEE.

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ADVERTISEMENTS: All communications relating to news and editorial matters should be addressed to the Editor of the Bee.

Now let Pat Ford hold up his hand and tell us who wrote that beautiful report for him.

ALLEN G. THURMAN'S red bandana will not shut the bottom of John Sherman's seat in the senate.

BEHM and Leeder voted to dismiss Cummings because they believed that he was tainted with bribery.

SENATOR SHERMAN obtained a week's leave from the senate, but it didn't require a week to elect him as his own successor.

When a man rises in the council or any other legislative body to explain his vote he takes it for granted that his vote needs an explanation.

CONGRESSMAN FORAN, of Ohio, says he isn't rich enough to remain in congress. Mr. Foran evidently hasn't been standing in with the railroad lobby.

CHARLIE OGDEN was cut short in the delivery of his pompous speech before the investigating committee, so he wrote it out and had Pat Ford deliver it for him before the council.

COMMISSIONER SPARKS has declared a few more thousand acres of railroad grants forfeited. The opposition of the corporations to Mr. Sparks' disgraceful activity in the land office is increasing.

The fact that twenty representatives of bridge builders are waiting in Omaha for a decision on the bids for the new viaduct is evidence that this city is securing some advertising through her extension of public improvements.

BECAUSE Sullivan was taken away from the alleys which he had been ordered to guard and was put upon some other beat, Ed Leeder thought Marshal Cummings was guilty of bribery and should be disgraced and dismissed.

SENATOR LOGAN with scorn in his voice denounced Dorman B. Eaton in the senate as a "mugwump." Mr. Logan ought to be more guarded in showing his resentment against the nondescript who cooked his vice-presidential goose a year ago in the dear New Orleans.

MRS. GRANT will live comfortably on her pension, but the family will not suffer without it. The profits from the "memoirs" will amount to \$750,000. If worst comes to worst in New York, the Grants can put up quite a respectable little monument of their own in Riverside Park.

WE notice that one William Winter, of Chicago, who brought a suit to recover \$5,000 for damages for slander has recovered a verdict for one (1) cent. He had been accused of stealing. At this rate J. Milton Hoffman, who has sued for \$3,000, will receive six (6) cents, if he gets a verdict. But he won't get it.

A LINCOLN dispatch to the Chicago Tribune says that Hoffman's libel suit against Editor Rosewater will be pushed vigorously. This is eminently correct, but the pushing will be done from the business end of the Bee, and in all probability a little more vigorously than Mr. Hoffman anticipates.

ENGLISH Tories are rejoicing over the announcement that Queen Victoria will open parliament in person. This is supposed to be an evidence of the favor with which the queen regards the Salisbury government. The London tradesmen are even more jubilant than the Tories. The royal opening will attract to London thousands of country people, who will spend a good deal of money in the shops. The profits resulting will perhaps make up some of the deficiencies resulting from the debts of the Prince of Wales.

The lynching of the Bohemian Lapour at Schuyler on Tuesday night was an act which few will attempt to defend. The natural sentiment in all law abiding communities is that offenses against the law should be dealt with by the law in its ordinary procedure. Human life is too precious to be placed in the balance against unreasoning passion when courts dispense justice at at hand and public officials stand ready to protect the community from the assaults of criminals.

But after all this is said, it is not difficult to discover the moving cause for the appeal to Judge Lynch. Murderers have not been infrequent in Nebraska during the past seven years, but only two convicted murderers have suffered death at the gallows. The delays of the law, the chicanery of the courts, and the clemency of the executive have been called into requisition in the remaining cases to impede and defeat the ends of justice.

The impression has been growing stronger and stronger that hanging was being played out in Nebraska. It is not surprising, on this account, that the final appeal has been made in several instances within the past few years to Judge Lynch's court, which issues no "writ of error" and grants no "stay of proceedings." Mob law is bad law. There can be no question about it. It is dangerous because of its unconsidered haste. It must be frowned down because it strikes at the foundation of a fearful organization of society. But it is better than no law at all. More than once in the history of the west it stimulated a more rigid interpretation of the statutes and spurred on a better enforcement of the law by the authorities. This is undoubtedly the reasoning which the Schuyler lynchers made in the case of Lapour, where the killing was undoubtedly. If the lynched man was insane, as there seems to be reason for believing, the unlawful act is all the more to be deplored.

Blocked roads, snow-bound mails, and severe weather have checked movements of produce and merchandise during the week. Outside of this, there has been little material change to note. Operations as a rule are reflecting only immediate requirements and the aggregate distribution continues moderate. The failure list has increased, and for last week exhibited a total larger than for any single week since January, 1885. This increase is probably attributable in a great measure to the closer scrutiny of financial affairs of traders incident to the closing of the last year's accounts.

THE wool market is steady, while cotton has ruled quiet. Eastern jobbers report the distribution of dry goods on new orders as moderate, but trade confidence in the prospects for a good spring business is unimpaired. The iron and steel trade is active and the general market strong with an encouraging outlook. Large orders for steel rails have been placed during the week. In the grain market, the best feature during the week ended, was the continued activity of the export trade in corn. The interior movement of both wheat and corn has been small, owing largely to bad roads and snow blockades in the west and north.

There seems to be some fears expressed of a general exodus of the negro population from the south Atlantic states. Southern papers are noting a large emigration of colored people, and are raising an alarm of a coming scarcity of labor in their sections. The negroes who go westward and northward are usually the victims of agents of railroad companies or land companies who hold out inducements, in a large measure fallacious, and manage to divide with their dupes their scanty savings. In the long run this emigration will be a benefit instead of a calamity to the states from which the negroes go. White labor, more efficient in proportion as it is more costly, will take the place of the negro labor, and the better distribution of the colored element in the populations of all the states—whitening the Carolinas and proportionately darkening the newer states of the west—will lessen the danger growing out of the race question where the two races are nearly equal in numbers. There is, no doubt, temporary distress in those regions from which the negroes are going for lack of labor, and temporary inconvenience from over-supply at the places of their destination. The history of such emigrations is usually a history of suffering, but in the long run good will come of it.

COUNCILMAN DAILEY passes for a very fair man, but his course in the Cummings case doesn't justify that belief any longer. When a man talks one way and votes against his expressed convictions he endorses all confidence. Mr. Dailey refused to attend the last day of the session because, as he said to James Creighton, he was disgusted with the free lance Beneke's testimony had dropped the bottom out of the whole case. When Charles Ogden's report, which was fathered by Pat Ford, was read, Mr. Dailey bobbed up and moved its adoption. That report concluded with an expression of belief that the marshal was guilty of bribery.

COUNCILMAN DAILEY indignantly denied that he was whipped into line. If Mr. Dailey was not whipped into line we would like to know who was. Perhaps Mr. Dailey doesn't know that the mayor had taken an active interest in the Cummings case and was trying to influence republican councilman to vote Cummings guilty of bribery when there was no proof whatever to show it, excepting the unsupported statement of Sullivan, which was contradicted by three witnesses and was disproved absolutely by Judge Beneke himself who swore that Cummings acted under his orders.

OFFICERS have been waiting for several months to catch Rosewater in Lincoln in order to serve the papers.

coloring which an imaginative young lawyer is capable of adding to a hopelessly bad case. If the same set of men had sat on a jury and heard the testimony as given before the investigating committee they never would have left their seats before pronouncing a verdict of not guilty. Assuming that there was a corrupt bargain made and money paid for the release of Travis, the admission of Judge Beneke that he ordered the release does away with the entire presumption that Cummings was bought. But there was an influence brought to bear in this case to procure the conviction of Cummings which shows to what base means partisan rancor will resort in order to achieve its ends. While the council was sitting as a jury in this case, Mayor Boyd was actively endeavoring to secure a verdict of conviction. He sent for a republican member of the council and sought to induce him to cast his vote against Cummings, and pronounce him guilty of an offense of which the councilman believed him innocent. This explains the incessant bombardment of the Herald and the constant cry that Cummings must go. If the mayor went so far as to tamper with republican councilmen, is there any doubt that great pressure was brought on the democrats? What shape this pressure took we do not know, but we imagine if the council would investigate the methods by which democratic members, who openly declared the charges against Cummings to be baseless, were whipped into line to vote with Pat Ford, it would not prove very creditable to themselves and the building bosses. If Marshal Cummings has to go why doesn't the mayor suspend him and prefer charges that he can sustain against him, even if the charges are nothing more serious than offensive partisanship.

So far as the votes of the two republican councilmen are concerned their course explains itself. Ever since Leeder failed to get the republican nomination for sheriff, and could not induce Cummings to join the bill against Coburn, he has had no use for Cummings. While he still claims to be friendly, he voted to brand Cummings as a bribe-taker, and recommended his removal. Mr. Behm's moral sensibilities were so shocked over Charles Ogden's report that he could not refrain from voting Cummings guilty of bribery, although he explained that he only wanted to suspend him by his official neck for a few days.

SENATOR SHERMAN Re-elected. The despatches announce the re-election of John Sherman by the Ohio legislature to be his own successor in the national senate. The news will be received with satisfaction throughout the country. Senator Sherman has been for thirty years a prominent figure in our national politics. His services have been of great value to the country, and his long experience as a legislator has made him one of the best equipped of our statesmen. Senator Sherman presided over the birth of the republican party in Ohio, served in the Thirty-fourth, Thirty-fifth, Thirty-sixth and Thirty-seventh congresses, and occupied a seat in the senate during the war and reconstruction periods. It was his fortune to provide for the resumption of specie payments as secretary of the treasury and his brilliant financing in this important problem and the wisdom of his funding operations added greatly to his record, and the estimation in which he was held in the popular esteem.

Honest men, irrespective of party, will be rejoiced to know that Senator Sherman's re-election has set the final seal of disapproval on the infamous outrages against the ballot which John R. Meegan and his gang of Chicago rascals perpetrated in the last election, with the object of defeating the senator's return to Washington.

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THE Sneers of the Home Guard. St. Paul Press. The home guard of cities who have been sneering at Gen. Crook's conduct of the Apache campaign doubtless consider themselves fairly compensated for the loss of judgment, but it may not be out of place to call their attention to the fact that Gen. Sheridan, also a very competent authority, has full confidence in Gen. Crook's ability to deal with the case.

JACKSON'S Day. St. Louis Globe-Democrat. The speeches on Jackson's Day this year seem to have taken the form mainly of excuses for the present administration, and requests that it be dealt with by Democrats in a charitable and patient way. If the spirit of Old Hickory can take cognizance of earthly affairs, it must be exceedingly indignant over such a queer and tame method of glorifying the ancient faith of the pigmy.

THEY Look Like a Mirel Show. Washington Correspondence Chicago News. The president and his cabinet have had their pictures taken in a group, which is having a tremendous sale. It is the second time that a president has been photographed along with his official family. It is an awfully funny picture, because it looks just like the first part of a mirel show. The president is the middle man, surrounded by his cabinet members, and the interloper, and Dan Manning and Lucius Quintus Curtiss Lamar are the end-men. Behind them stand, all in a row, the postmaster general and the attorney general as bones, and Mr. Whitney and Mr. Endicott as Tanagers. They say Mr. Cleveland himself couldn't help laughing when he saw it.

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Howe, that irrepressible gentleman still continues to attract a large share of public attention. One exchange says: "Charles Howe has contracts for furnishing ties and railroad timbers to the amount of eight hundred thousand dollars. He will furnish ties for the Missouri Pacific extension to Lincoln. The forests of Arkansas furnish the raw material from which Mr. Howe gathers this large amount of money." Another exchange informs its readers that Charles Howe is a candidate for congress from the First congressional district of Nebraska.

Robert Garrett. N. Y. Times. I met at the Lotus club the other evening Robert Garrett, in whose presence Mr. Vanderbilt died. He is worth \$10,000,000, and he means to live up to his patrimony. He is a bright looking man, and not a bit of a dude—apparently—but he is very exquisite and fastidious about his clothes. I don't know about the yarn about his having 100 pairs of pantaloons hanging along his wall, but he dresses well. He enjoys everything. He has no gout or dyspepsia. He is a good dancer. He sings well. He is fond of a long walk. He enjoys society, theater, books, fast horses, yachting, good eating and champagne. Mr. Garrett means to get his country's worth as he goes along, and if he really has 100 suits of clothes, it partially accounts for his anxiety for a new trunk line.

THE FIELD OF INDUSTRY. A new tack factory will be erected in Pittsburg soon. Many Georgia convicts have to work in the coal mines. At the Baldwin locomotive works 800 of the 1,200 hands are at present employed. Seattle, Wash., shipped 130,175 tons of coal to California and Oregon ports last year. Pittsburg steel rail men predict an advance of \$6 in the price of rails, making \$20 a ton. A shoe factory has been started in Nashville, Tenn., with a capacity of 1,000 pairs a day.

OREGON and Washington Territory supplied 300,000 feet of lumber last year with 300,000,000 feet of lumber. Although they have no law on the subject, the Knights of Labor will not allow habitual drinkers to join the order. Physicians and business men are eligible to membership. General Master Workman T. V. Powderly says that one temperate man, who reads newspapers, is worth more to the Knights of Labor than 100 men who drink liquor and get their information from the gutter.

A Boston paper says well-educated and well-dressed girls work in dry goods stores at from \$4 to \$6 per week, while in the manufacturing centres of New England girls are earning from \$2 to \$4 per month. Colonel W. P. Read, the Chicago millionaire mine owner, says there is but one way of establishing fraternal feeling between employer and employe, and that is for the former to realize that his employe is a man, to pay him adequately for his services, and to make him feel that the interests of both are identical.

Machinery work will be more abundant during the winter than for the past eighteen months, because of increased activity in all industrial concerns. Many merchants are removing from western, to eastern states. Four locomotive works have put on 600 men. Locomotive builders expect orders within 30 days for 150 engines, in lots of from three upward.

The Carnegies, of Pittsburg, have set a good example to employers generally in admitting to partnership their leading superintendents, numbering seventeen in all, ranging in capital from \$10,000 to \$50,000. The next step of these progressive brothers may be to admit every workman to the partnership in sums of \$500 to \$1,000. Not a little trouble would be involved if this course was pursued.

Another enterprising American, who ran the Liverpool craze until he made a small fortune, is now in London importing American cotton candy and selling it through branch houses in all the leading cities of the United Kingdom. Philadelphia confectioners furnish him the bulk of his stock, and the trade is growing rapidly, as shown by local and New York custom records.

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THE PROMOTER OF SUCCESS.

The Wonderful Effect of the Rabbit-Foot Superstition. Facts Which Cannot Fail to Convince the Incredulous—Carlie a Rabbit-Foot Believer.

The rabbit foot in the South, and especially in Arkansas, says the Arkansas Traveler, holds a place which nothing can supplant. The buckeye and the "lucky bone" taken from the cattail have been thrown aside, and no longer is necessary for a colored man to make a cross mark when having forgotten something, he turns back. He simply crosses himself with the rabbit foot, and the fanciful superstition, standing on the wall of superstition, cries "all's well." Reverence for the rabbit foot is not confined to the negroes. Many white men of education and political influence are victims of a strong belief in its charms. Robert W. Worthington, sheriff of Polk county, Ark., wears a rabbit foot tipped with gold. It is by no means improbable that he attaches more value to the gold than the foot, but, at any rate, during a campaign in which he was personally concerned he crosses himself with the foot and mutters a strange jargon, with a reverential accent. Some time ago, it is stated upon excellent authority, Mr. Worthington was greatly depressed on account of a threatened defeat. He remained, during several days in a cast-down state, but suddenly his face brightened, while in the vicinity of his mouth there lurked a peculiar smile. He flew to his safe, took out a rabbit foot and crossed himself. He did not stop at this. He hastened to the voting precincts and crossed the ballot boxes with the foot. Immediately the votes of his enemies began to diminish. A few more rubs and dextrous crosses settled the question and Mr. Worthington was elected. He is an excellent character, but he acknowledges that the rabbit foot helps him out of many intricate entanglements.

John G. Carlisle, speaker of the house of representatives, is another who believes in the efficacy of the rabbit foot. Less than twelve years ago Mr. Carlisle was a confirmed drunkard. He had started out with bright prospects, but the great horned owl had swooped down upon him, and his conviviality was too much for him, and in the language of a distinguished blue grass poet: Like a lightning bug Into a well. Temperance lecturers and revivalists tried to brace him against temptations, but in vain. He struggled manfully, but he had not power to control himself. One day while Mr. Carlisle was bathing his feverish brow at the town well, an old negro, a freed man, known as Wall Eyed Buck, came along and said: "Look here, Mars John, why'n't yer quit dat foolishness?" "I would if I could, Buck." "I don't see dat, but by yesser if yer ain't got de power, I mean, why doan yer take de right course an' mount to suthin' in de worl'?" "I haven't been able to pursue de right course, Buck." "Dat's because yer doan know what de right course is."

"I have tried everything." "Yer ain't Mars John, now lemme tell yer what de right course is. Yer wash yer gut drinkin' yer cross yesser six times wid er rabbit foot an' er on er boot yer business." "Go on, old man, you are foolish." "Now, look here, Mars John, yer ought to be takin' out er rabbit foot, 'dis thing can't hurt yer, an' dat oughter make yer willin' ter let me try it on yer. Jes' hole sarsil er on it." Mr. Carlisle laughed at the old negro's superstition, but suffered him to apply the rabbit foot. "Now," said Buck, when he had several times crossed Carlisle, "yer days o' drinkin' is over, an' yer got de power." Carlisle laughed, went to a saloon not far away, and asked for a little bourbon with Blue Lick water on the outside. "Hold on," said he, just as the bartender had just poured the drink, "I ain't drunk, but I really can't drink it." He went away rejoicing for the burning thirst had left him. The next day he went to his office and ordered himself the study of the books which he had so long neglected. He secured a rabbit foot and kept it in his pocket, ready at all times to apply it to his forehead. The people were so much gratified at the vigor of principles shown by Mr. Carlisle, that they soon gave him a position of trust. When he first aspired to the position of speaker his friends, though willing to do anything for him, hesitated at his absurd aspirations. Carlisle, however, did not entertain a doubt of his coming success. Not only did he refuse to entertain a doubt, but he even refused to treat the matter with contempt. One day, just before the contest, Mr. Carlisle was being crossed himself. "What are you doing there?" asked some one who saw the performance. "I'm washin' de rabbit foot, 'dis thing can't hurt yer, an' dat oughter make yer willin' ter let me try it on yer. Jes' hole sarsil er on it." The man roared. He went out and told many of the congressmen that Carlisle was as superstitious as a negro, and that it would not be right to vote for him. A large number agreed that they would not, but just as soon as the caucus met the last one of them voted for Carlisle. Since then he has had no trouble. His star is shining brighter and brighter, and it is likely to be dimmed by his probable election to the vice presidency he is likely to become a man of influence with coming administrations.

RECENT SUPREME COURT DECISIONS. Young vs. Filley. Error from Gage county. Opinion by Reese. In an action for damages for a breach of warranty or fraudulent representation as to the quality of personal property sold, where there is no recision of the contract, the measure of damages is the difference between the value of the property as it actually was and the value it has been its value had it been as represented at the time the representation or warranty was made. The allegations of the petition and proof must agree. Selling vs. State. Error from Adams county. Affirmed. Opinion by Reese. In a prosecution for a violation of section 51 of the criminal code, where it is shown that the accused went to the house of another in the night time and called the persons within who were asleep to open the door, falsely stating that he was the sheriff of the county and desired to serve a subpoena, but when the door was opened he ordered the inmates of the house to throw up their hands, but before he could enter the house he was shot through the door, and he shot twice and then forced the door open and entered the house, this was held to be sufficient proof of a breaking and entering.

The fact that such person after obtaining admission of directors for the management of the family in his bed, fired his pistol and presented the muzzle thereof to the person, ordering him in a threatening manner to hold up his hands, and then refused to submit to a medical examination to meet the requirements of said section 51, is not sufficient proof of a breaking and entering. Questions of fact are for the trial jury to determine, and where the testimony is conflicting, a verdict of guilty is not a conviction, and a mistrial cannot be set aside if there is evidence sufficient to sustain it, notwithstanding it may be contradicted by the testimony on the part of the defense. Hansen vs. Hansen. Appeal from Stanton county. Affirmed. Opinion by Reese, J. 1. A denial must be direct and unambiguous and answer the substance of each charge. Such facts as are not denied are to be taken as true. Harden v. A. & N. R. R. Co. 1 Neb. 521. 2. In an action for the specific performance of a contract to convey real estate, a provision in the contract that plaintiff had agreed to construct a building upon the lot when she purchased, but had failed to do so, no such condition being contained in the written contract, and no facts being alleged the existence of which would show that it would be to the advantage of the defendant to have such building constructed, constitutes no defense to the action. Griston v. Sullivan. Error from Cass county. Affirmed. Opinion by Reese, J. 1. A judgment will not be reversed nor a verdict set aside, when an error has been committed without prejudice to the party complaining. 2. The provisions of section 51 chapter 19 compiled statutes, directing the charge of the court to the jury to be written in consecutively numbered paragraphs, is a right which may be waived if no objection is made or exception taken at the time the charge is given, or where exception is taken to a particular clause only. Smith vs. State, 3 Neb. 277. 3. Jurors are the judges of questions of fact when properly submitted to them in cases of conflicting testimony. Terman vs. Hogan. Error from Lancaster county. Affirmed. Opinion by Reese, J. Where a firm or partnership is engaged in business, and services are rendered by them for another, although out side of their regular business, by which such other is benefited, and the amount due is engaged, such firm can recover the amount due them by action in their partnership name. Pomeroy vs. Crawford. Error from Dixon county. Reversed. Opinion by Reese, J. 1. The rule of evidence which precludes the proof of the contents of written instruments, or records, by oral testimony, does not preclude oral testimony of the existence of such instruments or records, preliminary to the introduction or proof of their loss or destruction. 2. The order of introducing evidence upon a controversy with the trial court, is a matter of course, and a judgment will not be reversed on a verdict set aside for an error which has been committed without prejudice to the party complaining. 3. Where an action for damages resulting from personal injuries to a plaintiff, being a son of plaintiff, was permitted to testify over the objections of defendant to the opinions expressed by consulting physicians, who were not called by the plaintiff, as to the results of the injury, it was held to be error, the testimony being incompetent and hearsay. DeWitt vs. Bannock. Error from Saline county. Affirmed. Opinion by Reese, J. The mother of A was taken sick, and a physician was called who began to treat her. Upon his second visit she became disordered and died. A instructed the physician to pay attention to the complaints of his mother, but to continue the treatment as if she would pay him for his services. When the physician continued to treat her, he held that the promise was an original undertaking and not within the statute of frauds. Salsbery vs. Caldwell. Error from Richardson county. Affirmed. Opinion by Reese, J. 1. It is a rule of law that every presumption is in favor of the correctness of the decision of courts of general jurisdiction until the contrary is made affirmatively to appear. 2. In proceedings for the confirmation of a sale made by an administrator, a license provision granted, it is the duty of the court to confirm the sale, in order the execution of conveyances to the purchaser if it appears that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property. See Chap. 28, comp. stats. 3. Where an administrator makes application for a license to sell real estate, and a license is granted, it is the duty of the court to confirm the sale, in order the execution of conveyances to the purchaser if it appears that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property. See Chap. 28, comp. stats.

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